City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2304519

Applicant Name: George Johnston for AT & T Wireless

Address of Proposal: 1624 Boren Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for construction of a minor communication utility (AT & T Wireless) consisting of four (4) panel antennas mounted to the south parapet of the first floor roof on an existing apartment building. Project includes equipment cabinet to be located in a storage room in the basement.

The following approvals are required:

SEPA - Environmental Determination - *Chapter 25.05*, Seattle Municipal Code ("SMC")

SEPA DETERMINATION: [ ] EXEMPT [X] DNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition involving another agency with jurisdiction

**Early Notice DNS published September 18, 2003

BACKGROUND DATA

Site Location and Description

The subject property is located sixty feet south of the intersection at Olive Way and Boren Avenue just west of the Pike/Pine Overlay District. The site is bounded to the west by Boren Avenue right-of-way and an alley to the east. The paved alley is indistinguishable from the

surface parking lot adjacent to the adjoining property. Washington's Department of Transportation right-of-way corridor where Interstate 5 (I-5) is located borders the site to the south. The subject site is rectangular in shape and encompasses a land area of approximately 7,100 square feet in a Downtown Mixed Commercial zone with a height limit of 240 feet. The site is currently developed with a 14 story building that abruptly modulates down to a one story level on its east half. The principal use within the structure is residential with minor communication utility uses recently established on the rooftop and in the basement level. The existing antennas located on the one story portion of the structure are hidden behind a screening wall, and are not visible to the public at street level. The site is fully developed with the existing building occupying almost the entire development site. The building was constructed in 1928 and has a monotone stucco finish on its exterior. The subject lot slopes down moderately from south to north.

The subject site is located along the east edge of the Downtown zones, abutting I-5 near Pine Street. Downtown Office Core two with a height limit of 300 feet (DOC - 300) and Downtown Mixed Commercial with a height limit of 125 feet (DMC – 125) are located to the west. The area is underdeveloped, surface parking lots have a significant presence in the vicinity. To the east across the I-5 corridor, Neighborhood Commercial Three with height limits of 65 and 85 feet (NC3 - 65 & NC3 - 85) is nestled on the west of one of the "gateways" to Capitol Hill. Physically the area is dense with animated pedestrian activity upon the streets. The immediately area slopes downward from southeast to northwest. Heading westward towards the Downtown shopping core, along Pine Street at the intersection of Boren Avenue and Pine Street, the proposed placement of the antennas will be visible to the public at street level. Boren Avenue is a heavily traveled primary arterial connecting the First Hill neighborhood to access ramps to I-5 and to the Lake Union area.

Proposal Description

This Master Use Permit (MUP) application proposes to establish use for installation of a minor communication utility (AT & T Wireless) on the portion of an exiting residential building. The building is terraced with the north portion of the building extending approximately 133 feet above grade. The proposed four (4) panel antennas will be mounted to the inside face of a parapet on the rooftop and will extend approximately 11 inches above the top of the parapet. The antennas will be encased within a RF transparent protective shield painted to match the existing color scheme of the building. The protective screening cover will extend approximately 2 feet, three inches above the parapet. The total height for the proposed screening cover above grade is approximately 16 feet, three inches. The antennas will be completely encased except for the bottom to allow for cable and power connections. The applicant has proposed a chain-link fence to make secure and protect the antennas from unauthorized personnel. The equipment cabinet will be located in a storage room within the basement of the south half of the building.

The highest portion of the proposed minor utility and screening is proposed to be less than 15 feet above existing grade. The proposed antenna height is well under the maximum allowable height limit of 240 feet for the (DMC – 240) zone.

Public Comment

No public comment letters were received during the comment period, which ended October 1, 2003.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Lori Chase, dated July 14, 2003, and reviewed by the Department. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

Short-Term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances, or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to monthly maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Aesthetics

The Land Use Code (SMC 23.57.016.D), requires that the proposed facilities side-mounted on buildings shall be integrated with architectural elements such as window design or building decorative features, or screened by siding or other materials matching building exterior, or otherwise be integrated with design, material, shape, and color so as not be to visibly distinctive. The panel antennas will be mounted to the inside face of a parapet on the rooftop and encased within a RF transparent protective shield. The protective screening cover will extend above the parapet and the antennas will not be visible from the sides and top. The protective cover will be painted to match the existing building and will not be unduly conspicuous in the downtown and commercial environment. The applicant has proposed a chain-link fence to secure and protect the antennas. The proposed equipment cabinets will be located within a secured location the existing basement and will not have a visual impact. To further mitigate additional visual impacts the RF transparent protective shield and chain-link fence will be conditioned to be painted to match the accent color of the building as proposed by the applicant. Therefore, visual appearance of the device will therefore be minimized.

Electro-magnetic Radiation (EMR)

The City of Seattle, in conjunction with Seattle-King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

The above-cited ordinance (Ordinance 116057, January 1992) was adopted specifically to ensure that the health and safety of the general public was protected from the adverse impact of electro-magnetic radiofrequency radiation and to establish performance standards to minimize health risks to the general public. The ordinance comprehensively covers all sources of radio frequency radiation and specifies radio frequency standards, measurement methods and permit requirements.

The City's SEPA policy on Environmental Health is subject to the Overview Policy which states that when existing ordinances provide adequate protection, there is no basis for additional mitigation. At this time, no significant adverse health impacts to the general population are expected. The Department concludes that no further mitigation for EMR impacts, beyond the requirements of the Telecommunications Ordinance and Land Use Code are warranted pursuant to SEPA policies.

Additionally, the FCC has pre-empted State and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Land Use Code Requirement (Non-Appealable) Prior to Issuance of a Master Use Permit

1. The owner(s) and/or responsible party(s) shall provide proposed RF transparent protective shield screening of the antennas and related equipment located on the rooftop to blend with the color of the building. This shall be to the satisfaction of the Land Use Planner.

2. The owner(s) and/or responsible party(s) shall provide access and signage in accordance with Section 23.57.010E4, which restrict access to minor communication utilities to authorized personnel by fencing or other means of security. This shall be to the satisfaction of the Land Use Planner.

Signature: (signature on file) Date: February 23, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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